

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TYEL LASHAWN CLAIBORNE,

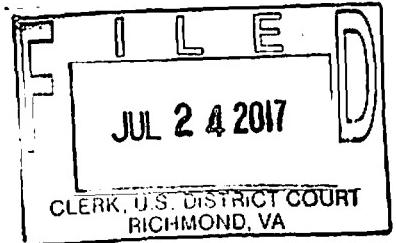
Petitioner,

v.

Civil Action No. 3:17CV471

DIR. OF DEPT. OF CORR.,

Respondent.



MEMORANDUM OPINION

Petitioner, Tyel Lashawn Claiborne, a Virginia inmate proceeding pro se, filed this 28 U.S.C. § 2254 Petition challenging his conviction in the Circuit Court of the City of Richmond for murder. The Court previously has denied a 28 U.S.C. § 2254 petition challenging the above conviction. See Claiborne v. Dir. Dep't Corr., No. 3:11CV368, 2012 WL 859559, at *5 (E.D. Va. Mar. 13, 2012). Accordingly, as explained below, the Court will dismiss the § 2254 Petition as a successive, unauthorized 28 U.S.C. § 2254 petition.

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "'gatekeeping' mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996). Specifically, "[b]efore a second or successive application permitted by this

section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the Fourth Circuit to file the present § 2254 petition. Therefore, the action will be dismissed for want of jurisdiction. The Court denies a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: July 20, 2017
Richmond, Virginia

/s/ *RE*
Robert E. Payne
Senior United States District Judge